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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/618,281 | 07/18/2000 | Kazuhiro Yanase | Q60167 | 9866 |

7590 06/25/2004
Sughrue Mion Zinn
MacPeak & Seas
2100 Pennsylvania Avenue NW
Washington, DC 20037

EXAMINER

NALVEN, ANDREW L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2134

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

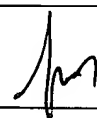
Office Action Summary

Application No.

09/618,281

Applicant(s)

YANASE, KAZUHIRO



Examiner

Andrew L. Nalven

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 are pending.
2. Amendment submitted 11 March 2004 has been received and entered.

Response to Arguments

3. Applicant has argued on page 7 that the Abram reference (US Patent No. 6,462,778) fails to disclose "position information detecting and *transmitting* means." In particular, Applicant argues that Abram fails to disclose the transmitting of position information to the outside. Examiner respectfully disagrees with Applicant's argument. Examiner contends that Abram does teach the transmitting of position information to the outside. Abram discloses a position information detecting means (Abram, column 3 line 55) that passes location information to camera control (Abram, column 3 lines 55-57, column 3 lines 46-48). The passing of location information provides the disclosure of the transmitting of location information. Further, Abram provides teaches that position information is transmitted to the outside. In Figure 3, Abram discloses a position information detecting means (location determination unit) that is outside of the remainder of camera components. As such, the transmitting of position information from the position information detecting means to the camera control meets the limitation of "transmitting...position information to the outside."

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4. Applicant has further argued against the combination of Abram and Murphy (US Patent No. 5,799,082) by alleging that Murphy teaches away from transmission of position data. Examiner respectfully disagrees with Applicant's argument. Applicant has cited Murphy's disclosure (Murphy, column 8 lines 27-29) wherein digital images are frozen within the digital camera and thus the digital image and its authentication information (position information) are never transmitted. However, the embodiment cited by Applicant is defined by Murphy as an optional situation (Murphy, column 8 line 21). Further, even in this embodiment position information may be transmitted if the recipient of the transmission is authorized (Murphy, column 8 lines 21-25). In addition, Murphy provides further teachings for the transmission of position information (Murphy, column 14 lines 28-33).

5. Applicant's arguments, see page 9 of amendment, filed 11 March 2004, with respect to claims 1 and 4 have been fully considered and are persuasive. The rejection of claims 1 and 4 has been withdrawn.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al US Patent No. 6,462,778 in view of Murphy et al US Patent No. 5,799,082. Abram discloses an apparatus for associating descriptive data with digital image files. Murphy discloses secure authentication of images with location data.

8. With regards to claim 5, Abram teaches position information detecting and transmitting means detecting position information and time information (Abram, column 3 lines 46-48) and the generating of place-specifying data on the basis of the position information (Abram, column 3 lines 45-65). Abram fails to teach the use of copy-guard protection for data. Murphy teaches a center system subjecting the position and time information with place-specifying data to copy-guard protection (Murphy, column 14 line 52 – column 15 line 19) and storing the copy-guarded signal in storage means of electronic equipment (Murphy, column 15 lines 6-7). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Murphy's encryption, authentication, and copy guard techniques with Abram's digital image file system because they offer the advantage of preserving a digital image and location information in unaltered form (Murphy, column 7 lines 57-66 column 8 line 64 – column 9 line 4) and allowing only authenticated individuals to view the digital image (Murphy, column 8 lines 21-30).

9. With regards to claim 6, Abram as modified above teaches a GPS receiver determining position information from a signal from a GPS satellite group (Abram, column 3 lines 45-47) in the form of longitude/latitude coordinates (Abram, column 6 lines 20-29).

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10. With regards to claims 7 and 8, Abram teaches position information detecting and transmitting means for detecting current position (Abram, column 3 lines 55-57), receiving the position information and image data transmitted from electronic equipment (Abram, column 3 lines 8-12 and 55-59), and generating place-specifying data indicated by the position information (Abram, column 3 lines 59-65). Abrams further discloses the transmitting of place-specifying data to the electronic equipment that has transmitted the position information and storing the place-specifying data into the storage means (Abram, Figure 9, column 3 lines 14-18). Abrams fails to teach the encrypting of the position information, the authenticating of the position information, and the copy guard processing of the place specifying data. Murphy teaches that position information from the position information detecting and transmitting means is encrypted (Murphy, column 13, lines 30-36) and the position information is authenticated (Murphy, column 15 lines 31-47). Murphy further teaches a copy guard-processing scheme (Murphy, column 14 line 52 – column 15 line 19). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Murphy's encryption, authentication, and copy guard techniques because they offer the advantage of preserving a digital image and location information in unaltered form (Murphy, column 7 lines 57-66 column 8 line 64 – column 9 line 4) and allowing only authenticated individuals to view the digital image (Murphy, column 8 lines 21-30).

Allowable Subject Matter

11. Claims 1-4 are allowed.
12. The following is a statement of reasons for the indication of allowable subject matter:
13. Claims 1 and 4 identify the distinct feature of transmitting processed place-specifying data to the electronic equipment that has transmitted the position information (see Applicant's argument found on page 9 of amendment submitted March 11, 2004).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

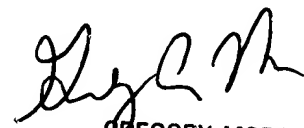
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 703 305 8407. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703 308 4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven



GREGORY MORSE
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